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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,185	08/09/2000	James S. Hiscock	3118-US	5742
56436	7590	02/22/2008	EXAMINER	
3COM CORPORATION			TIEU, BINH KIEN	
350 CAMPUS DRIVE			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/634,185

Applicant(s)

HISCOCK ET AL.

Examiner

/BINH K. TIEU/

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 13, 14, 16-21, 33, 34 and 63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 13-14, 16-21, 33-34, 63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 63, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volansky et al. (US. Pat. #: 5,807,139) in view of Sakabe et al. (US. Pat. #: 5,722,076), ***both references were recited in the previous Office Actions***.

Regarding claim 1, Volansky et al. ("Volansky") teaches a data outlet (i.e., surface mount multimedia outlet as shown in figures 1-6), suitable for connecting user-equipment located in a user-operating area with a premises' data infrastructure (col.1, lines 14-21), the data outlet comprising:

user interface circuitry providing a plurality of user-data interfaces to said user equipment (i.e., Bezel or ports 32 in figures 1-2, 4 and 15-16);

premise interface circuitry providing a premise-data interface to said data infrastructure (i.e., note figures 9, 32-35), and

a compact housing that (a) is configured of rigid material and has a rear and a front; (b) encloses said user interface circuitry, said premise interface circuitry, and said bridge circuitry, and (c) is mountable in or on a wall adjacent said user-operating area such that said front provides said a plurality of user-data interfaces and said rear provides said premise-data interface (also note figures 1-6).

It should be noticed that Volansky fails to clearly teach the bridge circuit providing data packet transfer between said user interface circuitry and said premise interface circuitry, as argued by the Applicant in his remarks. However, Sakabe teaches such features in figure 3, elements of LAN unit including coder 71, decoder 72, modulator 60, demodulator 64, etc., col.5, line 30 – col.6, line 4; and for the phone unit 42, a channel coded 124, as shown in figure 8 operating as a bridge, see col.7, line 15 – col.8, line 9 for purposes of providing packet transmission services to user equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the bridge circuit providing data packet transfer between said user interface circuitry and said premise interface circuitry, as taught by Sakabe into view of Volansky in order to providing packet transmission services to user equipment.

Regarding claim 7, Volansky further teaches limitations of the claim in figure 1.

Regarding claim 13, Volansky further teaches limitations of the claim in lines 25-36.

3. Claims 63, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayball et al. (US. Pat. #: 5,807,139, *also recited in the previous Office Actions*) in view of Sakabe et al. (US. Pat. #: 5,722,076).

Regarding claim 1, Mayball et al. ("Mayball") teaches a data outlet (i.e., data outlet as shown in figure 6), suitable for connecting user-equipment located in a user-operating area with a premises' data infrastructure, the data outlet comprising:

user interface circuitry providing a plurality of user-data interfaces to said user equipment (see figure 2);

premise interface circuitry providing a premise-data interface to said data infrastructure (i.e., note figure 4), and

a compact housing that (a) is configured of rigid material and has a rear and a front; (b) encloses said user interface circuitry, said premise interface circuitry, and said bridge circuitry, and (c) is mountable in or on a wall adjacent said user-operating area such that said front provides said a plurality of user-data interfaces and said rear provides said premise-data interface (also note figures 6, 6a and 6b).

It should be noticed that Mayball fails to clearly teach the bridge circuit providing data packet transfer between said user interface circuitry and said premise interface circuitry, as argued by the Applicant in his remarks. However, Sakabe teaches such features in figure 3, elements of LAN unit including coder 71, decoder 72, modulator 60, demodulator 64, etc., col.5, line 30 – col.6, line 4; and for the phone unit 42, a channel coded 124, as shown in figure 8

operating as a bridge, see col.7, line 15 – col.8, line 9 for purposes of providing packet transmission services to user equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the bridge circuit providing data packet transfer between said user interface circuitry and said premise interface circuitry, as taught by Sakabe into view of Mayball in order to providing packet transmission services to user equipment.

Regarding claims 7, 13 and 20, Mayball further teaches limitations of the claim in col.5, lines 16-65.

4. Claims 63, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staber et al. (US. Pat. #: 6,137,866, *also recited in the previous Office Actions*) in view of Sakabe et al. (US. Pat. #: 5,722,076).

Regarding claim 63, Staber et al. (“Staber”) teaches a data outlet (i.e., indoor xDSL splitter assembly outlet 10 as shown in figure 1-4 and 6), suitable for connecting user-equipment located in a user-operating area with a premises’ data infrastructure (col.3, line 41 through col.4, line 51), the data outlet comprising:

user interface circuitry providing a plurality of user-data interfaces to said user equipment (i.e., signal jacks 34b and 34c in figure 3);
premise interface circuitry providing a premise-data interface to said data infrastructure (i.e., combined signal jack 34a), and

a compact housing that (a) is configured of rigid material and has a rear and a front; (b) encloses said user interface circuitry, said premise interface circuitry, and said bridge circuitry, and (c) is mountable in or on a wall adjacent said user-operating area such that said front provides said a plurality of user-data interfaces and said rear provides said premise-data interface (also note figures 1 and 3).

It should be noticed that Staber fails to clearly teach the bridge circuit providing data packet transfer between said user interface circuitry and said premise interface circuitry, as argued by the Applicant in his remarks. However, Sakabe teaches such features in figure 3, elements of LAN unit including coder 71, decoder 72, modulator 60, demodulator 64, etc., col.5, line 30 – col.6, line 4; and for the phone unit 42, a channel coded 124, as shown in figure 8 operating as a bridge, see col.7, line 15 – col.8, line 9 for purposes of providing packet transmission services to user equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the bridge circuit providing data packet transfer between said user interface circuitry and said premise interface circuitry, as taught by Sakabe into view of Staber in order to providing packet transmission services to user equipment.

Regarding claims 7, 13 and 14, Staber further teaches limitations of the claim in col.5, line 65 through col.6, line 38.

5. Claims 63, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder et al. (Pub. No.: US 2006/0203981, *also recited in the previous Office Actions*) in view of Sakabe et al. (US. Pat. #: 5,722,076).

Regarding claim 63, Binder et al. ("Binder") teaches a data outlet (i.e., telephone outlet for implementing a local area network as shown in figure 5), suitable for connecting user-equipment located in a user-operating area with a premises' data infrastructure, the data outlet comprising:

user interface circuitry providing a plurality of user-data interfaces to said user equipment (i.e., DCE connectors 56 and telephone connector 53);

premise interface circuitry providing a premise-data interface to said data infrastructure (i.e., connector 54), and

a compact housing that (a) is configured of rigid material and has a rear and a front; (b) encloses said user interface circuitry, said premise interface circuitry, and said bridge circuitry, and (c) is mountable in or on a wall adjacent said user-operating area such that said front provides said a plurality of user-data interfaces and said rear provides said premise-data interface (note figure 13).

It should be noticed that Binder fails to clearly teach the bridge circuit providing data packet transfer between said user interface circuitry and said premise interface circuitry, as argued by the Applicant in his remarks. However, Sakabe teaches such features in figure 3, elements of LAN unit including coder 71, decoder 72, modulator 60, demodulator 64, etc., col.5, line 30 – col.6, line 4; and for the phone unit 42, a channel coded 124, as shown in figure 8

operating as a bridge, see col.7, line 15 – col.8, line 9 for purposes of providing packet transmission services to user equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the bridge circuit providing data packet transfer between said user interface circuitry and said premise interface circuitry, as taught by Sakabe into view of Binder in order to providing packet transmission services to user equipment.

Regarding claims 7, 13 and 14, Staber further teaches limitations of the claim in paragraphs [0062] and [0097].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Volansky et al. (US. Pat. #: 5,807,139), Mayball et al. (US. Pat. #: 5,807,139), Staber et al. (US. Pat. #: 6,137,866) or Binder et al. (Pub. No.: US 2006/0203981) in view of Sakabe et al. (US. Pat. #: 5,722,076), as applied to claim 63 above, and further in view of Whittaker et al. (US. Pat. #: 6,130,893 *also recited in the previous Office Action*).

Regarding claim 33, Volansky, Mayball, Staber, Binder and Sakabe, in combination, teaches all subject matters as claimed above, except for a processor operative to provide high-level service to the user via one of the user data interface. However, Whittaker et al. ("Whittaker") teaches a plurality of "outlets", e.g., terminal adapters 20a-20b as shown in figure 1, each comprises a processor (i.e., central control unit 68 as shown in figure 3) for controlling active components in the adapter.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the processor for controlling active components in the adapter, as taught by Whittaker, into view of Volansky, Mayball, Staber, Binder and Sakabe in order to control connections to devices in the outlet.

8. Claims 16-17, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binder (Pub. No.: US 2004/0196835 A1) in view of Sakabe et al. (US. Pat. #: 5,722,076) and Whittaker et al. (US. Pat. #: 6,130,893), as applied to claims 63 and 33 above, and further in view of Menon et al. (US 2001/0022784 A1 *also recited in the previous Office Action*).

Regarding claims 16 and 17, Volansky, Mayball, Staber, Bind, Sakabe and Whittaker, in combination, fails to clearly teach the high service levels including data encryption and

authentication. However, Menon et al. ("Menon") teaches such well-known features in paragraph [0071].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of the high service levels including data encryption and authentication, as taught by Menon, into view of Volansky, Mayball, Staber or Binder, Sakabe and Whittaker in order to provide security to the outlets.

Regarding claim 21, Menon further teaches limitations of the claim in paragraph [0363].

Regarding claim 34, Menon further teaches limitations of the claims in figure 1 and paragraphs [0071], [0083], [0095], [0221] and [0363].

9. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volansky, Mayball, Staber or Binder (Pub. No.: US 2004/0196835 A1) and Whittaker et al. (US. Pat. #: 6,130,893) in view of Whittaker et al. (US. Pat. #: 6,130,893), as applied to claim 33 above, and further in view of Vaughn et al. (US. Pat. #: 6,661,893 *also cited in the previous Office Action*).

Regarding claims 18-19, the combination fails to teach status information, which includes a problem.

Vaughn teaches a telephone loop monitoring system in (see col. 4) wherein status information can be reported to a user via a display means.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Vaughn into that of the combination thus making it possible to take corrective measures or request help when necessary.

Response to Arguments

10. Applicant's arguments with respect to claims 7, 13-14, 16-21, 33-34 and 63 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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/BINH K. TIEU/

Primary Examiner
Technology Division 2614

Date: February 2008